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Fifty-eighth session
Item 119 (c) of the provisional agenda*
Human rights situations and reports of special rapporteurs and representatives

Report of the mission of the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of Congo and on extrajudicial, summary or arbitrary executions and of a member of the Working Group on Enforced or Involuntary Disappearances of the Commission

Note by the Secretary-General

Summary

In its resolution 57/233, adopted on 18 December 2002, the General Assembly decided to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a joint mission of investigation in the Democratic Republic of the Congo.

The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo consulted other members of the mission as to their availability. Because of the lack of security in certain parts of the country, notably the east, the joint mission could not be undertaken.

* A/58/50/Rev.1 and Corr.1.

03-42417 (E) 170703 230703

1. In its resolution 57/233, adopted on 18 December 2002, the General Assembly recalled its decision to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation had not yet allowed such a mission.

2 In the same resolution, the General Assembly decided to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out, as soon as security conditions permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo with a view to bringing to justice those responsible, and to report to the Commission on Human Rights at its fifty-ninth session and to the General Assembly at its fifty-eighth session.

3. The General Assembly also decided to request the Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully.

4. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo, Ms. Lulia Motoc, opened consultations with the other members of the joint mission in order to ascertain their availability.

5. Because of the worsening security situation in certain areas deemed dangerous and inaccessible, particularly in the east of the country, the joint mission could not be undertaken.

6. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo will go to Kinshasa in September 2003. She expects to establish contact with the members of the transitional Government with a view to obtaining their support for the mission and ensuring secure conditions on the ground.

7. All the relevant information will be given in the next report that the Special Rapporteur will present to the Commission at its sixtieth session.

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General Assembly

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Fifty-eighth session
Item 64 of the preliminary list*
Verification in all its aspects, including the role of the United Nations in the field of verification

Verification in all its aspects, including the role of the United Nations in the field of verification

Report of the Secretary-General

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* A/58/50/Rev.1 and Corr.1.

03-42585 (E) 250703 290703

I. Introduction

1. The General Assembly, in paragraph 2 of its resolution 56/15 of 29 November 2001, entitled "Verification in all its aspects, including the role of the United Nations in the field of verification", requested the Secretary-General to report to the General Assembly at its fifty-eighth session on further views received from Member States pursuant to General Assembly resolutions 50/61, 52/31 and 54/46.

2. Pursuant to that request, on 28 February 2003, a note verbale was addressed to Member States requesting them to provide their views on the matter. The replies received are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Bolivia

[Original: Spanish]
[17 June 2003]

Bolivia reaffirms its support for the role of the United Nations in the field of verification and related matters, and acknowledges the shared responsibility for effective verification of arms limitation and disarmament measures in all their aspects.

It likewise reaffirms its commitment to cooperate with other Member States in achieving the goal of disarmament with a view to contributing to genuine peace and security, eliminating the danger of regional and subregional war, and strengthening economic and intellectual development.

Mexico

[Original: Spanish]
[3 June 2003]

Mexico believes that verification is first and foremost a process which relies on credibility and transparency. As the United Nations Disarmament Commission stated in 1996, verification is not an aim in itself, but an essential element in the process of achieving arms limitation and disarmament agreements.

Mexico believes that verification which is compatible with the provisions of international instruments currently in force and with the general principles of international law constitutes an effective confidence-building measure that promotes transparency and stimulates international cooperation, thereby facilitating compliance.

Mexico is convinced that the United Nations has an essential role to play in international verification efforts, in particular with regard to the definition of measures and evaluation of their effectiveness, efficiency, representativeness and impartiality.

Mexico supports the general principles relating to verification adopted by the Disarmament Commission in 1996, which elaborate upon or add to those stated in 1978 in the Final Document of the first special session of the General Assembly devoted to disarmament.

Mexico believes that it is particularly important that a balance be struck between the verification requirements contained in international instruments and policies and measures relating to confidentiality which protect new technological, scientific and intellectual property developments. Accordingly, verification should not be excessively intrusive, onerous or bureaucratized; it must be non-discriminatory and implemented by means of legally binding instruments.

Mexico believes that verification must be valued for its positive impact in the areas of credibility, transparency and security. Only credibility and successful international efforts for general and complete disarmament can ensure that this goal is recognized as politically sustainable.

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Fifty-eighth session
Item 74 (g) of the preliminary list*
General and complete disarmament: observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control

Report of the Secretary-General

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* A/58/50/Rev.1 and Corr.1.

03-42986 (E) 310703 010803

I. Introduction

1. On 22 November 2002, the General Assembly adopted resolution 57/64, entitled "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control", in paragraph 4 of which the Assembly invited all Member States to communicate to the Secretary-General information on the measures they have adopted to promote the objectives envisaged in the resolution and requested the Secretary-General to submit a report containing that information to the General Assembly at its fifty-eighth session.

2. Pursuant to that request, the Secretary-General, on 28 February 2003, addressed a note verbale to Member States inviting them to provide information on the subject. The replies received are reproduced in section II below. Additional replies received will be issued as addenda to the present report.

II. Replies received from Governments

Cuba

[Original: Spanish]
[30 May 2003]

For the seventh consecutive year and with a broad majority of support from Member States, the General Assembly of the United Nations adopted, at its fifty-seventh session, a new resolution on the "Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control".

In view of the importance it attaches to this resolution, which was sponsored by all the States Members of the United Nations that are members of the Non-Aligned Movement, the Government of Cuba has since 1995 been reporting yearly to the Secretary-General on the measures it has adopted to promote the objectives envisaged therein.

Concern for the environment is a growing priority for many States, international organizations, non-governmental organizations and individuals. That concern has to do not only with the potential for serious accidents or the handling of radioactive waste, but also with the drafting and implementation of disarmament and arms control agreements.

It is widely acknowledged that while scientific and technological progress offers the potential to have a beneficial impact on the natural environment, it also makes it possible to use environmental modification techniques for military purposes. Military research and development activities are direct or potential sources of damage to the environment.

The adoption of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, ratified by Cuba on 10 April 1978, gave voice to the concerns of the international community in this regard.

Progress made in the field of biotechnology is accompanied by concerns about the potential risks and about the deliberate abuse of that discipline. One of the principal consequences of biotechnology has been seen in basic and applied

biological research. Most such knowledge has practical consequences for health care, agriculture or environmental protection.

Among the concerns currently raised by biotechnology are the ecological risks resulting from the release into the environment of genetically modified organisms, genetic manipulation, human cloning and the development of biological and toxin weapons.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) Weapons, to which Cuba has been a party since 21 April 1976, banned the production, storage and acquisition of such weapons.

Cuba deeply regrets that because of the opposition of one country, negotiations on a protocol to strengthen the Biological Weapons Convention were interrupted after nearly 10 years of work by the Ad Hoc Group of Governmental Experts.

The draft protocol included, inter alia, proposals for protecting the environment in the implementation of the Convention.

In contrast, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction provides a model of how to effect the complete prohibition of this type of weapon of mass destruction. In this connection, Cuba has continued to work towards the implementation of the Convention by strengthening the relevant national institutions and procedures.

The use of new technologies for the qualitative modernization of weapons systems could make such systems more lethal by significantly increasing their range and accuracy. Technological processes could also lead to the development of new weapons based on the application of modern principles of physics, such as weapons using atomic particle beams.

The international community has accorded great attention to environmental contamination caused by military and civilian activities and to the effects of such contamination.

In General Assembly resolution 57/64, the States Member of the United Nations explicitly recognize the detrimental environmental effects of the use of nuclear weapons. There is growing concern at the lack of any real progress towards the total elimination of nuclear weapons.

Cuba regrets that the Conference on Disarmament has still not established an ad hoc committee on nuclear disarmament. That committee must be established as a matter of priority, with the mandate to begin negotiations on a phased programme of nuclear disarmament whose goal is the definitive elimination of nuclear weapons within a fixed time frame and under strict international control.

Nuclear, chemical and biological weapons can all cause irreparable harm to the environment. Cuba therefore believes that the total elimination of weapons of mass destruction remains the only really effective solution for avoiding the consequences of their use or of accidental contamination.

Military conflicts result in destruction on all fronts and the environmental consequences are considerable. Any effort to prevent those conflicts, based on the principles of the Charter of the United Nations, should therefore be supported.

There is greater knowledge today of the practices and measures needed to promote sustainable social and economic development, although not all countries are equally well placed to apply that knowledge. It is therefore necessary consistently to promote closer international cooperation in the peaceful use of scientific and technological progress, not only with the participation of the States and intergovernmental institutions concerned but also with the contribution of non-governmental organizations. National laws and regulations that are impediments to such international cooperation must be eliminated.

Cuba rejects the application of unilateral measures that undermine the implementation of environmental protection norms and the promotion of sustainable development. Measures of this kind have been and continue to be applied against Cuba by the Government of the United States of America, and Cuba has suffered dramatically from their adverse consequences.

Cuba has a set of national instruments for the control and management of environmental policy, including Act. No. 81/97 on the Environment and its supplementary legislation and Decree-Law No. 190 on Biosafety.

Article 27 of the Cuban Constitution has also been amended to incorporate the concept of sustainable development.

In addition, the Ministry of Science, Technology and Environment has adopted numerous resolutions on environmental protection issues which are relevant in the context of resolution 57/64.

Cuba is currently a State party to 36 international instruments on or closely related to the environment.

Cuba's economic and social development programme provides for environmental conservation and protection, including specific provisions whereby no military exercise, manoeuvre or other military activity may do harm to the natural environment.

The key principles of Cuba's environmental policy are the following:

- The right to a healthy environment is a fundamental right of all citizens;
- Citizens have a duty to protect the environment;
- Environmental management is comprehensive and cross-cutting. State agencies, other entities and institutions, society and citizens in general participate in it in a coordinated manner, according to their respective areas of competence and abilities.

The Cuban armed forces have adopted and are implementing an environmental strategy whose main goal is to ensure that, in progressively improving and developing the defence, preparedness, capacity and readiness of the country, and especially of its armed forces, sound and sustainable use is made of natural resources, preserving the stability of the environment and supporting its restoration.

The environmental work of the Cuban armed forces is based on a set of principles, which include:

- Developing, preserving and protecting the environment in peacetime, so as to contribute to the country's economic development;

- Applying an environmental approach to defence activities, eliminating or mitigating the potentially adverse impact of military activities;

- Using the results of scientific research and technological development carried out by the institutions and programmes of the Cuban armed forces to contribute, insofar as possible, to solving the main environmental problems caused by defence activities;

- Supporting the implementation of national environmental management laws and instruments within the armed forces.

Cuba reiterates the need to continue to adopt the necessary national, bilateral, regional and multilateral measures so as to contribute to the application of scientific and technological progress in the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development.

Georgia

[Original: English]
[24 June 2003]

Georgia has the honour to inform the Department for Disarmament Affairs that the Government of Georgia is taking active steps to promote observance of environmental norms in the drafting and, even more importantly, implementation of agreements on disarmament and arms control.

Georgia, in active cooperation with Germany, is intensively engaged in environmental assessment and clean up of areas following the departure of Russian armed forces. Georgian experts from the Ministry of Environmental Protection and Natural Resources take part in a number of international courses and exercises and utilize acquired knowledge and skills in monitoring these territories.

Georgia is particularly interested in adopting North Atlantic Treaty Organization (NATO) standards in environmental protection and cooperates intensively with respective institutions of the Alliance (NATO/Committee on the Challenges of Modern Society).

The Ministry of Environmental Protection and Natural Resources of Georgia has conducted numerous inspections of former bases used by Soviet and Russian armed forces, particularly the territories and vicinities of military airfields. Dozens of radioactive sources, irresponsibly and, sometimes, deliberately dumped by the Russian armed forces in the early 1990s, have been identified and removed, among them Cesium-137, Strontium-90, Radium-226, and Iridium-192.

In addition, the Ministry of Environmental Protection and Natural Resources of Georgia in cooperation with OSCE has decontaminated rocket fuelled reservoirs at Meria airfield left by Russian armed forces (extremely poisonous substances — "Samin" and "Melange").

All these measures have been taken on the territories controlled by the Government of Georgia. In this regard it is important to notice that there are two categories of territories of the country outside of control of Georgian authorities.

Such territories include Russian military bases still operating in Georgia. Georgian law enforcement agencies have information on their engagement in illicit trade in armaments and, stemming from our past experience, dissemination of radioactive or other type of environmentally hazardous materials cannot be excluded.

Yet another category of uncontrolled area includes secessionist regions. Two such regions in Georgia — Abkhazia and Tskhinvali region — are out of any reasonable internal or external control and, thus, provide source of concern for the environment. It should be further noticed that in Abkhazia there is the Institute of Physics with radioactive materials stored from Soviet times and the absence of control mechanisms constitutes a major concern for their spread and contamination.

Subsequently, both categories of territories not controlled by the Georgian authorities still pose threats to the disarmament process, are dangerous for regional stability and must become focal issues for international efforts especially in the field of disarmament and environmental protection.

Mexico

[Original: Spanish]
[3 June 2003]

When participating in the negotiation and drafting of international legal instruments on disarmament and arms control, Mexico has taken special care to ensure that due attention is paid to the aspects of conservation of and respect for the environment.

In the application and implementation of the disarmament and arms control treaties, agreements and other instruments to which it is a party, Mexico takes fully into consideration the relevant environmental norms.

Mexico has emphasized that the mere existence of weapons of mass destruction, particularly nuclear weapons, poses a grave threat to the very existence of the human race and the integrity of the environment. History has witnessed the devastating environmental consequences of the testing and use of nuclear weapons, and of nuclear accidents.

Mexico is therefore an active proponent of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), not only as a nuclear non-proliferation instrument but also as a contribution to environmental protection.

Moreover, within the framework of the International Atomic Energy Agency (IAEA), Mexico continues firmly to support the adoption of stricter standards for the physical protection of nuclear material and installations. It participates actively in the work of the open-ended group of legal and technical experts to prepare a draft amendment to the Convention on the Physical Protection of Nuclear Material, seeking to ensure that the outcome of the group's work includes specific measures for environmental protection in the event of acts of nuclear sabotage or nuclear accidents.

In guaranteeing the peaceful use of its nuclear energy and nuclear material, Mexico is responsible for the correct management and the safety of its nuclear

installations, according special attention to the observance of legal norms and operational criteria for environmental protection and radiation safety.

Within the framework of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Mexico has participated in the work of the Group of Governmental Experts responsible for drafting a legally binding instrument on explosive remnants of war and the adoption of measures on anti-vehicle mines, where it has emphasized the need to prevent and respond adequately to the harmful consequences for human health and the environment of those devices and other types of arms and ammunition.